

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

§
SYLVIA IGLESIAS, §
§
Plaintiff, §
§
v. § No. 3:19-cv-00030
§
ELECTROLUX HOME CARE §
PRODUCTS LTD. and ELECTROLUX §
HOME PRODUCTS, INC., §
§
Defendants. §

NOTICE OF REMOVAL

Defendants, Electrolux Home Care Products Ltd. and Electrolux Home Products, Inc., file this Notice of Removal, removing the case styled *Sylvia Iglesias v. Electrolux Home Care Products Ltd. and Electrolux Home Products, Inc.*, from the 327th District Court at Law of El Paso County, Texas, to this Court pursuant to 28 U.S.C. §§ 1332, and 1441(b). The grounds for removal are as follows:

PROCEDURAL BACKGROUND

1. On August 8, 2018, Plaintiff filed her Original Petition in state court against Defendant Electrolux Home Care Products Ltd. under Chapter 21 of the Texas Labor Code, alleging retaliation for engaging in protected activity. This Original Petition was never served. On December 17, 2018, Plaintiff filed a First Amended Petition against Electrolux Home Care Products Ltd. and Electrolux Home Care Products, Inc.

2. On January 9, 2019, Defendant Electrolux Home Care Products, Inc. was served with Plaintiff's First Amended Petition by certified mail on its registered agent for service of process, CT Corporation. On January **, 2019, Defendant Electrolux Home Care Products, Inc.

timely filed its Original Answer in state court denying Plaintiff's allegations and asserting affirmative defenses. Accordingly, this removal is timely filed within 30 days of receipt of Plaintiff's Original Petition. True and correct copies of all pleadings filed in state court are attached hereto.

DIVERSITY JURISDICTION

3. The state court action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1332 and is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(b) because it is a civil action between citizens of different states and the matter in controversy exceeds \$75,000, exclusive of interest and costs.

4. Plaintiff resides in El Paso, Texas. (Plaintiff's Original Petition ¶ 2.) Plaintiff is therefore a citizen of Texas for purposes of diversity jurisdiction under 28 U.S.C. §§ 1332 and 1441.

5. Electrolux Home Care Products, Inc. is Delaware corporation with its principal place of business at 10200 David Taylor Dr., Charlotte, North Carolina. Defendant is therefore a citizen of Delaware and North Carolina under 28 U.S.C. §§ 1332 and 1441 for purposes of diversity jurisdiction.

6. There is complete diversity between Plaintiff and Defendant.

PROPER VENUE AND COMPLIANCE WITH REMOVAL PROCEDURE

6. Under 28 U.S.C. § 1441(a), venue of the removed action is proper in this Court as the district and division embracing the place where the state action is pending.

7. Defendant will promptly give Plaintiff written notice of the filing of this Notice of Removal as required by 28 U.S.C. § 1446(d). Defendant will also promptly file a copy of this

Notice of Removal with the District Clerk of El Paso County, Texas, where the action is currently pending, also pursuant to 28 U.S.C. § 1446(d).

8. True and correct copies of all process, pleadings, and the orders served upon Defendant in the state court action are being filed with this notice as required by 28 U.S.C. § 1446(a) and attached hereto.

WHEREFORE, pursuant to these statutes and the requirements set forth in 28 U.S.C. § 1446, Defendant Electrolux Home Care Products, Inc. removes the case styled *Sylvia Iglesias v. Electrolux Home Care Products Ltd. and Electrolux Home Products, Inc.*, from the 327th District Court at Law of El Paso County, Texas, to this Court on this 17th day of September, 2018.

Respectfully submitted,

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By:


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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent to Enrique Chavez, Jr., Michael R. Anderson, and Christine A. Chavez, Chavez Law Firm, Attorneys for Plaintiff, 2101 Stanton Street, El Paso, Texas 79902, by electronic mail at enriquechavezjr@chavezlawpc.com, manderson@chavezlawpc.com, and cachavez@chavezlawpc.com, this 23rd day of January, 2019.



MICHAEL D. McQUEEN